

NOV 29 2010

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 09-90241, 09-90242,
09-90243, 09-90244, 09-90245,
09-90246 and 09-90247

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se prisoner, alleges that four district judges, a magistrate judge and two circuit judges made various improper substantive and procedural rulings in his civil cases. These charges relate directly to the merits of the judges' rulings and must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant further alleges that the judges not only conspired to dismiss his lawsuits and appeals, but also committed numerous criminal offenses in doing so, including mail fraud, theft, larceny, forgery, intimidation, false imprisonment, extortion, bribery and solicitation. He also believes that one judge discriminated against him based on his race and that another judge favored the defendants. But adverse rulings do not constitute proof of conspiracy or bias, see In re Complaint

of Judicial Misconduct, 583 F.3d 598, 598 (9th Cir. 2009), and complainant offers no other evidence to support these serious allegations, so these charges must be dismissed. See In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. 2009); see also 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D).

Complainant alleges that one of the district judges intentionally delayed rulings by “never respond[ing] to any motions that were non-dispositive.” But complainant does not allege the delay was habitual or improperly motivated, so this charge must be dismissed. 28 U.S.C. § 352(b)(1)(A); Judicial-Conduct Rule 3(h)(3)(B); In re Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. 2009).

DISMISSED.